

REMARKS

Reconsideration of this application is respectfully requested.

Claim 8 is directed to a residential building having a plurality of dwellings. Each of the dwellings includes a single-storey dwelling part and a two-storey dwelling part. The single-storey dwelling part of a lower dwelling being disposed beneath the single-storey dwelling part of an upper dwelling.

The two-storey dwelling part of the lower dwelling is set forth in claim 8 as having a floor which is on the same level as a floor of the one-storey dwelling part of the lower dwelling. The two-storey part of the lower dwelling has a ceiling which is on the same level as a ceiling of the one-storey dwelling part of the upper dwelling.

The two-storey dwelling part of the lower dwelling is set forth in claim 8 as having an open space which extends from the floor of the two-storey dwelling part of the lower dwelling to the ceiling of the two-storey dwelling part of the lower dwelling. This open space is at least partially defined by a two-storey first wall which extends from the floor of the lower dwelling to the ceiling of the two-storey dwelling part of the lower dwelling.

In addition, a one-storey second wall is set forth in claim 8 as extending from the ceiling of the one-storey dwelling part of the lower dwelling to the ceiling of the two-storey dwelling part of the lower dwelling. The one-storey second wall of the two-storey dwelling part of the lower dwelling forms at least a portion of a one-storey wall of the single-storey dwelling part of the upper dwelling. The one-storey second wall of the two-storey dwelling part of the lower dwelling separates at least a portion of the single-storey dwelling part of the upper dwelling from the two-storey dwelling part of the lower dwelling.

Claim 8 defines over the prior art, and particularly the patent to Berman (3,755,974) by setting forth a two-storey dwelling part of the lower dwelling as having a ceiling which is on the same level as a ceiling of a one-storey dwelling part of an upper dwelling. Furthermore, the patent to Berman does not disclose a dwelling having an open space which is at least partially defined by: (1) a two-storey first wall and (2) a one-storey second wall which extends from a ceiling of one-storey dwelling part of a lower dwelling to the ceiling of the two-storey dwelling part of the lower dwelling.

Claim 8 further defines over the prior art, including the patent to Berman, by setting forth the one-storey second wall of the two-storey dwelling part of the lower dwelling as separating a portion of the single-storey dwelling part of the upper dwelling from the two-storey dwelling part of the lower dwelling. The patent to Berman discloses an open or cut out corner 74 (Fig. 4) which is aligned with a sitting-room section 75 of a dwelling. A balcony-like railing 76 extends around the opening.

Claims 9 through 16 depend from claim 8 and define over the prior art for substantially the same reasons as does claim 8 and by virtue of the structure and function set forth in these claims taken in combination with the structure and function of claim 8. Specifically, claim 9 sets forth the single-storey dwelling part of the lower dwelling as having a surface area which is at least as great as a surface area of the two-storey dwelling part of the lower dwelling. The patent to Berman does not disclose a building having a single-storey dwelling part with a surface area which is at least as great as the surface area of a two-storey dwelling part.

Claim 10 depends from claim 8 and sets forth a two-storey dwelling part as including an indoor area and an outdoor area. The outdoor area opens outwardly toward a façade of the building.

Claim 11 depends from claim 8 and sets forth the floor of the two-storey dwelling part of the lower dwelling as having the same surface area as the floor of the two-storey dwelling part of the upper dwelling.

Claim 12 depends from claim 11 and sets forth the floor of the single-storey dwelling part of the lower dwelling as having the same surface area as the floor of the single-storey dwelling part of the upper dwelling.

Claim 13 depends from claim 8 and sets forth the single-storey dwelling part of the upper dwelling as extending from the two-storey dwelling part of the upper dwelling to the two-storey dwelling part of the lower dwelling. The resulting staggered relationship between the upper and lower buildings is not disposed in the prior art.

Claim 14 depends from claim 13 and sets forth the single-storey dwelling part of the upper dwelling as being disposed above the single-storey dwelling part of the lower dwelling throughout the extent of the single-storey dwelling part of the upper dwelling.

Claim 15 depends from claim 8 and sets forth a lower storey as being disposed beneath the upper and lower dwellings. The lower storey has the same ceiling height throughout the extent of the lower storey. The prior art, and particularly the patent to Berman, does not disclose a lower storey which is disposed beneath upper and lower dwellings and has the same ceiling height throughout the extent of the lower storey.

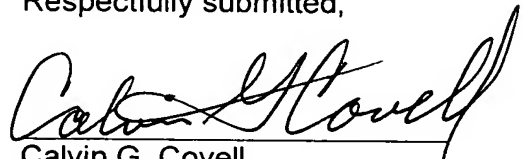
Claim 16 depends from claim 8 and sets forth the two-storey dwelling part of the lower dwelling as including an indoor area and an outdoor area which

opens outwardly toward a façade of the building. The two-storey dwelling part of the upper dwelling includes an indoor area and an outdoor area which opens outwardly toward the façade of the building. The outdoor area of the two-storey dwelling part of the lower dwelling is horizontally offset from the outdoor area of the two-storey dwelling part of the upper dwelling.

In view of the foregoing remarks, it is believed that the claims in this application clearly and patentably define over the prior art. Therefore, it is respectfully requested that the claims be allowed and this application passed to issue.

If for any reason the Examiner believes that a telephone conference would expedite the prosecution of this application, it is respectfully requested that the Examiner call applicant's attorneys in Cleveland, Ohio at 621-2234, area code 216. Please charge any deficiency in the fees for this application to our Deposit Account No. 20-0090.

Respectfully submitted,



Calvin G. Covell
Reg. No. 24,042

CUSTOMER NUMBER: 26,294

TAROLLI, SUNDHEIM, COVELL, & TUMMINO L.L.P.
1300 East Ninth Street – Suite 1700
Cleveland, Ohio 44114
Phone: (216) 621-2234
Fax: (216) 621-4072